

Docket 53602-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:

Applicant: PISONY, Murray Walter

Group Art Unit:

Serial No.: 12/539,740

Examiner: not yet known

Filed: August 12, 2009

For: "ALL TERRAIN LUMBER COLLECTION AND STACKING APPARATUS"

Honourable Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U.S.A.

Sir:

PRELIMINARY AMENDMENT

In advance of prosecution, Applicant submits the following amendments and remarks:

In the Claims:

Please amend the claims and add new claims 23 to 41 as follows:

1. (currently amended) An apparatus for picking up, stacking and bundling lumber, comprising:

(a) a drive means,

(b) a conveyor assembly that comprises a receiving bin and a conveyor,

(c) a stacking assembly operatively connected to the conveyor assembly, and that comprises an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly

(d) a discharge platform,

(e) a storage area connected alongside the stacking assembly and sized to accommodate and carry on the apparatus several bundles of lumber in side by side relation, and

~~(e)~~ (f) a grapple assembly including an arm extending upwardly from the apparatus and a grapple on an outboard end of the arm, the grapple including at least two fingers sized and connected by a pivotal connection such that the fingers can be opened and closed to pick up lumber pieces therebetween and the arm being pivotally moveable to deposit the lumber pieces into the receiving bin and to move a bundle of lumber between the discharge platform and the storage area.

2. (cancelled)

3. (original) The apparatus of claim 1, wherein the drive means is a vehicle and the grapple assembly is mounted to the vehicle.

4. (original) The apparatus of claim 3, wherein the conveyor assembly, stacking assembly and discharge platform are on a trailer that is pulled by the vehicle.

5. (cancelled)
6. (currently amended) The apparatus of claim 4 ~~further comprising a~~ wherein the storage area is positioned on the trailer.
7. (original) The apparatus of claim 1 further comprising a means of raising and lowering the conveyor assembly.
8. (currently amended) The apparatus of claim 1 further comprising ~~a means of raising and lowering the conveyor assembly~~ a pivoting arrangement for tilting the stacking assembly relative to a chassis of the apparatus to provide for substantial leveling of the stacking assembly when operating on uneven ground surfaces.
9. (currently amended) A method of picking up, stacking and bundling lumber, comprising:
 - (a) providing an apparatus that comprises:
 - (i) a conveyor assembly that comprises a receiving bin and a conveyor;
 - (ii) a stacking assembly operatively connected to the conveyor assembly, and that comprises an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly;
 - (iii) a discharge platform,
 - (iv) a storage area provided on the apparatus, the storage area having a planar upper surface sized to accommodate a bundle of lumber thereon; and
 - (v) ~~(vi)~~ a grapple assembly including an arm extending upwardly from the apparatus and a grapple on an outboard end of the arm, the grapple including at least two fingers connected by a pivotal connection such that the fingers can be opened and closed to grip a piece of lumber between the fingers,
 - (b) picking up loose lumber with the grapple and moving the grapple with the arm to deposit the loose lumber into the receiving bin, ~~and~~

(c) conveying the loose lumber along the conveyor to the stacking assembly, where the lumber is stacked and bundled into a bundle of lumber and deposited onto the discharge platform,

(d) operating the grapple to pick up the bundle of lumber from the discharge platform and to transfer the bundle of lumber to the storage area, and

(e) moving the apparatus over ground terrain with the bundle of lumber stored on the storage area.

10. (cancelled)

11. (cancelled)

12. (original) An apparatus for picking up, stacking and bundling lumber, comprising:

(a) a drive vehicle comprising a grapple assembly,

(b) a trailer pulled by the drive vehicle that comprises:

(i) a conveyor assembly further comprising a receiving bin and a conveyor,

(ii) a stacking assembly operatively connected to the conveyor assembly, further comprising an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly, and

(iii) a discharge platform,

wherein the grapple assembly comprises a grapple sized to pick up lumber and a bundle of lumber,

and wherein the grapple assembly is sized to pick up lumber from a ground surface, to deposit said lumber into the receiving bin, and to pick up a bundle of lumber deposited onto the discharge platform.

13. (original) The apparatus of claim 12 further comprising a storage area on the trailer.

14. (original) The apparatus of claim 13 wherein the grapple assembly is sized to pick up a bundle of lumber and deposit the bundle of lumber in the storage area.
15. (original) The apparatus of claim 12 further comprising a mast assembly for raising and lowering the conveyor assembly.
16. (currently amended) The apparatus of claim ~~43~~ 12 further comprising ~~a mast assembly for raising and lowering the conveyor assembly~~ a pivoting arrangement for tilting the stacking assembly relative to a chassis of the trailer to provide for substantial leveling of the stacking assembly when operating on uneven ground surfaces.
17. (original) The apparatus of claim 15 further comprising means for adjusting the length of the unscrambling hopper.
18. (original) The apparatus of claim 16 further comprising means for adjusting the length of the unscrambling hopper.
19. (original) The apparatus of claim 15 further comprising means for adjusting the length of the stacking bin.
20. (original) The apparatus of claim 16 further comprising means for adjusting the length of the stacking bin.
21. (original) The apparatus of claim 15 further comprising means for adjusting the width of the stacking bin.
22. (original) The apparatus of claim 16 further comprising means for adjusting the width of the stacking bin.
23. (new) The apparatus of claim 1 wherein the arm is pivotally mounted to rotate about a substantially vertical axis on the apparatus about 360 degrees.
24. (new) The apparatus of claim 1 wherein the arm includes a first length including a first end mounted for lateral extension from the apparatus and an opposite end and a

second length pivotally connected to the opposite end for further lateral reach by the arm, the second length defining the outboard end to which the grapple is connected.

25. (new) The apparatus of claim 1 wherein the drive means is integral with a frame carrying the conveyor assembly.

26. (new) The method of claim 9 wherein after transferring the bundle of lumber to the storage area, the method further comprises operating the apparatus to create a second bundle of lumber on the discharge platform.

27. (new) The method of claim 26 further comprising operating the grapple to move the second bundle of lumber to the storage area.

28. (new) The method of claim 9 further comprising operating the grapple to remove the bundle of lumber from the storage area and to move the bundle of lumber to a secondary location.

REMARKS

Claims 1, 6, 8, 9 and 16 have been amended, claims 2, 5, 10 and 11 have been cancelled and claims 23-28 have been added.

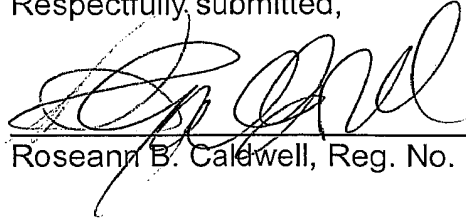
Independent claims 1 and 9 have been amended to incorporate a storage area. During the prosecution of previous patent application no. 11/160,060 (now Patent No. 7,591,629) the Examiner had objected to claims of this nature in an Office Action, dated January 15, 2009, saying that these would have been unpatentable over McLeod et al. (CA2,315,046) in view of Dika (US Patent No. 4,947,904). However, McLeod et al. fails to teach a storage area that is separate or alongside a discharge platform. The Examiner used the same element reference (22) in the McLeod et al. reference to assert both the storage area and the discharge area were taught. However, if the same element in the McLeod et al. reference is used for both the storage area and the discharge platform, it would be unnecessary to provide a grapple assembly as specified in the claims to move a bundle of lumber between this single platform.

Independent claim 12 specifies that the grapple assembly comprises a grapple sized to pick up lumber and a bundle of lumber. During the prosecution of previous patent application no. 11/160,060 (now Patent No. 7,591,629) the Examiner had objected to claims of this nature in an Office Action, dated June 9, 2008, saying that they would have been unpatentable over McLeod et al. (CA2,315,046) in view of Dika (US Patent No. 4,947,904). However, neither the McLeod et al. reference nor the Dika reference disclose a grapple assembly sized to pick up both lumber and a bundle of lumber. Rather, both the McLeod et al. reference and the Dika reference only teach a grapple sized to pick up single tree stem.

All the rest of the claims including new claims 23-28 depend or ultimately depend from independent claims 1, 9 or 12 and therefore, for the above reasons, the Applicant respectfully submits these claims are also allowable.

Favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roseann B. Caldwell", written over a horizontal line.

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